

### **REMARKS**

Applicants request reconsideration of this application in view of the present Amendment.

#### **35 U.S.C. § 103(a)**

Claims 1-36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Delp et al. (5,996,013) in view of Johnson et al. (U.S. Pat. No. 6,005,925). The Applicants respectfully submit that a prima facie case of obviousness has not been established for these claims.

Claim 1 recites endowing one or more bidding entities with an adjustably fixed amount of utility and a requirement for an amount of said supply of services, wherein said fixed amount of utility is a measure representative of the possibility of failure due to lack of resources. Neither Delp et al. nor Johnson et al. disclose or suggest this claim element.

Delp et al. discloses a guaranteed resource allocation method and apparatus in which a resource allocator allocates resources between a number of arrival processes each having an associated low threshold value. A dedicated resource pool and a shared resource pool are provided. The dedicated resource pool has a predetermined capacity that is greater than or equal to the total of all the low threshold values. The dedicated resource pool provides guarantees of the resources while the shared pool provides statistical multiplexed resource use. A controller is connected to the resource allocator and is utilized for tracking resource use and providing the threshold values for the arrival processes.

In stark contrast to the elements of claim 1, Delp et al. teaches only the allocation of resources from the dedicated resource pool and shared resource pool, and that the dedicated resource pool provides guaranteed availability of resources. The dedicated resource pool is capable of providing this guarantee only because the dedicated resource pool contains enough resources to cover the sum of all the low threshold values for the arrival processes. No where does Delp et al. disclose that this low threshold value is a measure representative of the possibility of failure due to lack of resources. Rather, by guaranteeing that each arrival process will have its low threshold requirements met, Delp et al. is guaranteeing a minimal level of function as opposed to acknowledging and accepting the possibility of failure due to lack of

resources. Further, there is no teaching or suggestion of endowing one or more bidding entities with an adjustably fixed amount of utility.

Johnson et al. does not overcome these shortcomings of Delp et al. Johnson et al. teaches only a bidding system in which telecommunications carriers submit price bids for transmitting communications to at least one subscriber who makes routing decisions based on the available communications paths and the price bid for each of the communications. Thus, Johnson et al. fails to teach or suggest endowing one or more bidding entities with an adjustably fixed amount of utility and a requirement for an amount of said supply of services, wherein said fixed amount of utility is a measure representative of the possibility of failure due to lack of resources.

Claim 1, thus, recites elements that are not taught or suggested by Delp et al. or Johnson et al. and, therefore, claim 1 cannot be made obvious by Delp et al. in view of Johnson et al. under 35 U.S.C. § 103(a). Dependent claims 2-18 contain features that further distinguish those claims from the disclosures of Delp et al. and Johnson et al. and, thus, also are not obvious over Delp et al. in view of Johnson et al. under 35 U.S.C. § 103(a).

Independent claim 19 similarly recites a plurality of bidding entities endowed with an adjustably fixed amount of utility and a requirement for an amount of said supply of services, wherein said fixed amount of utility is a measure representative of the possibility of failure due to lack of resources. As discussed above, neither Delp et al. nor Johnson et al. disclose these claim elements. Claim 19, thus, recites elements that are not taught or suggested by Delp et al. or Johnson et al. and, therefore, claim 19 cannot be made obvious by Delp et al. in view of Johnson et al. under 35 U.S.C. § 103(a). Dependent claims 20-36 contain features that further distinguish those claims from the disclosures of Delp et al. and Johnson et al. and, thus, also are not obvious over Delp et al. in view of Johnson et al. under 35 U.S.C. § 103(a).

**Conclusion**

Applicants respectfully submit that the remarks presented herein overcome the outstanding rejections and place the application in condition for allowance and allowance is requested. The Examiner is invited to call the undersigned if a telephone call would help resolve any remaining issues.

Respectfully submitted,



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